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originality either in argument or in the manner in which the subject has been treated.

IRA B. CROSS.

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Taylor, Hannis. *The Origin and Growth of the American Constitution*. Pp. xlii, 676. Price, \$4.00. Boston: Houghton, Mifflin Company, 1911.

Three years ago Mr. Taylor, in a chapter of his *Science of Jurisprudence* gave a discussion of the Contributions of America to Jurisprudence, the point of interest in which was his defense of the claims of Peletiah Webster to the authorship of our federal form of government. Though the scope of the discussion has been broadened "The Origin and Growth of the American Constitution" is chiefly notable for its exhaustive analysis of the work of the man whose "great discovery in modern political science" has been largely unrecognized.

Other writers, Mr. Taylor insists, have either covered their ignorance of the origin of the American system by vague generalities or, overlooking material near at hand, have sought our origins abroad. American constitutional forms are developed, he insists, from American experience. The difficulties of the government under the confederation gave rise to the "totally novel" solution proposed in a document of February sixteenth, 1783, by Peletiah Webster, "a great political economist and retired financier, the Adam Smith of that epoch." On this pamphlet, Mr. Taylor argues were based the three plans of Madison, Pinckney and Hamilton. Webster's right to be considered the real author of American federalism, "the author was the first to work out. It really involved no great amount either of study or research; there was really no opposing theory. . . . And yet there is still here and there an ancient jurist or statesman . . . who resents any attempt to disturb the illusions of his earlier years. Peletiah Webster's *alma mater*, the University of Yale, still treats with scornful silence the fame of her immortal son. In all this there is nothing out of the usual course." The first half of the treatise after tracing the New England town meeting back to the German assemblies discussed by Cæsar and Tacitus, with which they are asserted to be organically connected, outlines the evolution of American governments, and their attempts at co-operation, culminating in the constitutional convention of 1787. The latter is treated at length with special reference to the influence of Webster's pamphlet.

It will appear to most readers that Mr. Taylor, having cast aside the "inspiration" theory of the constitution, advocated by Gladstone and finding insufficient the explanation from the basis of foreign experience, has himself fallen into another error—that of hero-worship. That Webster's pamphlet did clearly outline the division of federal and state powers on much the same lines as were later adopted may be admitted. His contemporaries give him credit for what he has contributed, though not in the explicit way Mr. Taylor might wish.

The American sources upon which the author relies do not show so clear

cut a picture as he draws. The period of the confederation was a time of constitution making in the states, the question of division of power between nation and states was widely discussed, and at least one other man, Noah Webster, felt that he was entitled to the credit for suggesting the division of powers between the central and local governments. The idea was in any case only partly new, as is shown for example in Fisher's review of American material in his *Evolution of the Constitution of the United States*.

The latter portion of the book shows better balance. It traces the influence of slavery on our constitutional growth, the development of the interpretation of the constitution by the Supreme Court before the Civil War, the changes brought by the war amendments, and the constitutional questions raised by the Monroe Doctrine, our new colonial responsibilities, and industrial problems. The last chapter gives an argument for increased co-operation to get uniform standards for constitutions and laws in the various states. This development we must have unless our federal constitution can be so modified as to meet the great economic questions which have replaced our former political problems. One hundred and seventy-five pages are devoted to reprints of the most important documents connected with the growth of our constitution.

CHESTER LLOYD JONES.

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Webb, Sydney, and Beatrice. *The History of Trade Unionism*. Pp. lxxviii, 558. Price, \$2.60. New York: Longmans, Green & Co., 1911.

A new edition (tenth thousand) of that authoritative volume, "The History of Trade Unionism," by Sydney and Beatrice Webb, has just been issued by Longmans, Green and Company. No revision of the text has been made, for, as the authors state, "our subsequent investigations and readings give us no occasion to alter what we wrote in 1894." They have, however, written a new introductory chapter in which, in addition to indicating most excellently, although all too briefly, in what respects the position of trade unionism has changed since the publication of the first edition of the book, they have discussed at great length the momentous decision of the House of Lords in the case of *Osborne vs. The Amalgamated Society of Railway Servants*.

In the *Osborne Judgment* the Law Lords formally held that a trade union "could be restrained from making a levy upon its members (and from using any of its funds) for the purpose of supporting the Labor party or maintaining members of Parliament." This followed directly from their decision that all trade unions must be deemed to be corporate bodies whose powers and privileges are determined by the definition of a trade union which Parliament incorporated in the Trade Union Act of 1876. The importance of the decision is realized only when it is noted "how extensive and how varied are the actually existing operations of trade unions that are now rendered illegal," because they were not included in the above-mentioned Parliamentary definition. After severely criticising the position taken by the Law